

**PATENT**

**Application 10/666,227**

**Attorney Docket 2002P15657US01 (1009-040)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	<b>Poerner, Colleen</b>
Application	<b>10/666,227</b>
Confirmation	<b>8462</b>
Filed	<b>18 September 2003</b>
Application Title	<b>System and Method for Navigating an HMI</b>
Art Unit	<b>2178</b>
Latest Examiner	<b>Termanini, Samir</b>

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents

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**REPLY BRIEF**

Sir:

The Applicant respectfully submits this Reply Brief in response to the Examiner's Answer of 12 May 2009 (the "Answer"), the two month shortened statutory period for responding to which expires on 12 July 2009. The Examiner's Answer was submitted in response to the Appeal Brief filed by Applicant under 37 CFR § 41.37 on 23 December 2008 (the "Appeal Brief"). The Appeal Brief was filed in response to the Office Action of 10 July 2008 finally rejecting each of the pending claims 1-41, all of which claims have been twice rejected.

## ARGUMENTS

This Reply Brief incorporates by reference the entirety of the Appeal Brief, and offers the following in reply to the Examiner's Answer.

### The Obviousness Rejections

Each of independent claims 1, 33, 34, and 40, from one of which each of claims 2-32, 35-39, and 41 ultimately depends states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the cited references teach (i.e., disclose and/or enable), alone or in combination, "HMI screen nodes". Instead the Answer attempts to equate the various "icons" of Kodosky with the claimed "HMI screen nodes". A person having ordinary skill in the art would know, especially when read in light of at least paragraphs 10, 11, and 16 of the specification, that an "HMI screen node" is a "visual display" of "a human machine interface" and not an "icon" representing a "program" or "device", as in Kodosky.

Furthermore, each of independent claims 1, 33, 34, and 40, from one of which each of claims 2-32, 35-39, and 41 ultimately depends states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the cited references teach (i.e., disclose and/or enable), alone or in combination, "responsive to a detected collision between a parent node of said linked hierarchically organized plurality of HMI screen nodes and a child node of a plurality of child nodes of said parent node, automatically recursively adjust a position of said parent node". Instead, the Answer attempts to equate the "'drag and drop'" of Kodosky with "responsive to a detected collision" while failing to provide evidence that any action to "**adjust** a position of said parent node" is performed "**responsive** to a detected collision".

Thus, even if there were proper evidence of obviousness presented in the Answer (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the references relied upon in the Answer (another assumption that is respectfully traversed), no substantial evidence has been presented the applied portions of the references relied upon in the Answer, as attempted to be modified and/or combined, expressly or inherently teach **every** limitation of the independent

claims, and consequently the Answer fails to establish a *prima facie* case of obviousness. Consequently, for at least the reasons mentioned above, reversal of these rejections is respectfully requested.

**SUMMARY**

In view of the above, Applicant therefore respectfully requests that the Board of Patent Appeals and Interferences reverse the rejections of claims 1-14.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 19-2179. The Examiner is invited to contact the undersigned at 732-321-3085 to discuss any matter regarding this application.

Respectfully submitted,



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